

KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

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SPONSORED BY:



British Frozen Food Federation

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FOREWORD

Welcome to the new edition of Keep It Safe.

Once again, BFFF have been working hard to produce guidance for the sector. We are currently continuing to work on guidance for 'Working at Height on refrigerated vehicles'. We met HSE during the summer and reached an agreement on how to progress the guidance. Minor amendments have been made, and the guidance has been sent to HSE for their approval.

We have been working with our Primary Authority at Wakefield MDC and have produced guidance of Raynaud's Disease; the symptoms and causes and how to apply preventative measures in cold storage.

We have also published more Fire Safety advice, as part of our Primary Authority partnership with Lincolnshire Fire and Rescue, and there's more information on this in this issue, and can be found on our website: <http://bfff.co.uk/health-safety/guidance/>

This issues' safety focus is on Health and Safety Management Systems and the Fire Safety Advice is on Acetylene and the considerations regarding its use. There is also further information on Legislation changes and guidance for the industry.

If there are any topics that you would like to see covered in future issues of Keep It Safe, please contact joannahancock@bfff.co.uk

If you would like to get involved with any of our Primary Authority schemes contact crystalholmes@bfff.co.uk

Expert Group Update

The BFFF Health & Safety Expert group last met on the 23rd September.

The group met this month to discuss the guidance that the Federation has been working on and to explore the opportunities that enhanced statistics gathering can provide for the industry. They also discussed the plans for the Health and Safety seminar next year, and also the possibility of holding one-off event on the new Sentencing Guidelines which are due to come into force in January 2016.

The meeting was rounded off by a presentation by Paul Rhodes of Greggs Plc who showed an industry case study and the learnings and outcomes for their business.

The group provides their expert knowledge when BFFF deal with member queries. This is a completely free service for our members to use. All queries are treated confidentially and are always anonymized before circulation to the expert group for opinion. So please feel free to contact Joanna Hancock if you would like to use this service or if you have any topics for future discussion at the meetings.

If you would like to know any further detail of items discussed in the meeting, please contact joannahancock@bfff.co.uk



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We do hope that you find
Keep It Safe a valuable read.



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BFFF HEALTH AND SAFETY INITIATIVES

HEALTH & SAFETY SEMINAR



BFFF held their Health & Safety seminar on 1st July at the Ricoh Arena, which was another great success.

The sold out event attracted over 70 delegates including both non-members and members made up of: shift managers, team leaders as well as company directors and chief executives.

The seminar was packed with a variety of speakers and topics that are current and relevant to the industry, including; HSE priorities and target areas for 2015/16, sentencing guidelines implications, cold store fire case study, leadership, manual handling assessments, tackling hidden labour exploitation, DSEAR food industry compliance, CDM regulations and an update from BFFF on guidance, statistics and primary authority.

The Federation continued with exhibitor stands for a second year which were a great success. Exhibitors could meet and network with the relevant contacts within the sector.

BFFF received substantial positive feedback from the delegates. One member said that the event was “An enjoyable and engaging day covering a wide base of important and informative subjects delivered by experienced and credible speakers. A really worthwhile day.”

Another said of the day; “Usual high level of interest for me & my Company. I look forward to this event every year as a chance to set the stage for the next 12 months.”

The presentations from this years’ seminar are all available on the BFFF website at <http://bfff.co.uk/health-safety/seminar/>

Next year’s seminar is scheduled for the 6th July 2016 at the Ricoh Arena in Coventry so please save the date. The Federation would also like to welcome feedback from members on topics they want included in next year’s event. Please email joannahancock@bfff.co.uk with your thoughts.

BFFF PUBLISH RAYNAUD'S PHENOMENON ADVICE

Cold exposure can be a trigger for certain diseases and aggravate the symptoms of prevailing chronic diseases. People working in cold stores should be physically fit for work and as such, health surveillance is an important consideration for cold store workers.

There are a variety of medical conditions that are likely to be adversely affected by the low temperature which would all form part of the necessary health surveillance.

One of the medical conditions affected by the cold environment is Raynaud's phenomenon. Raynaud's phenomenon is a condition where small blood vessels of the fingers constrict (narrow), most commonly in a cool environment. Sometimes blood vessels to other extremities can be affected e.g. toes, ears, and nose.

Through our primary authority partnership with Wakefield MDC, BFFF has published another piece of Assured Advice which covers all aspects of Raynaud's:

- What is Raynaud's Phenomenon?
- What are the symptoms?
- What are the causes?
- What can you do to help?
- Application to Cold Store Employees

The advice has legal backing for those in the scheme, but can also be used by all members as best practice guidance. If you wish to get involved in any of the BFFF Primary Authority Schemes, or would like more information, contact crystalholmes@bfff.co.uk

Further guidance on the requirement for health surveillance and working in a cold store environment is available through the BFFF guidance web page here <http://bfff.co.uk/health-safety/guidance/>

BFFF RESPONSE TO WEL FLOUR DUST CONSULTATION

In May this year, HSE wrote to seek your views to inform a UK position in EU discussions which might affect the Workplace Exposure Limit (WEL) for flour dust.

The EU's Working Party on Chemicals (WPC) met on 16th – 18th June and discussed flour dust as an example of a workplace asthmagen. There was agreement that it would not be possible to recommend a health-based exposure limit for flour dust, since it is not possible to identify a threshold for the key health effect of respiratory sensitisation below which there are no adverse health effects.

Thank you to all the BFFF members that sent us their comments on the WEL flour dust consultation, we put them forward to HSE with an overall consensus that the suggested limits were too unrealistic, especially for SMEs and craft bakeries.

The UK / HSE representative mentioned some of the initiatives that have been taken in recent years in the UK to reduce exposure to flour dust, and noted that a limit of 1mg/m³ is not presently feasible for all bakeries and mills, including artisan, family and craft bakeries. There was no agreement on a numerical limit.

As there was agreement that it is not possible to set a health-based limit for flour dust, the only other option at EU level is to set a binding limit under the Chemical Agents Directive. If the European Commission follow this line the next opportunity to do so is not expected to arise before mid-2016.

In the interim the current UK Workplace Exposure Limits for flour dust continues to apply, together with the requirement to reduce exposure to asthmagens to as a level as low as reasonably practicable.

FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE

ACETYLENE CONSIDERATIONS

Acetylene is a popular gas for welding and cutting metal, whether used in a professional or personal capacity. It has many benefits and is very safe when used and stored correctly.

However, if acetylene is exposed to significant heat, it can start to decompose. This can continue for up to 24 hours after the heat source has been removed, and could cause the cylinder to explode and has resulted in many deaths in the past.

When this happens, anyone in the vicinity could be in the path of a ball of fire, flying metal, glass, debris and structural damage that could extend over 200 metres.

This is why national guidance for the Fire Service recommends that firefighters put an initial 200-metre cordon in place when an acetylene cylinder is involved in fire. As a result it may be necessary for homes and businesses to be evacuated and roads and railways closed. Firefighters will work to cool the cylinder and monitor its temperature until they consider it to be safe from the risk of explosion. The time this takes should be around 2hrs but could extend to 24hrs dependant on the individual circumstances.

Dependent on their location and quantities involved the presence of Acetylene could prevent firefighters from actively fighting a fire in the premises. A defensive position may be adopted to cool cylinders and prevent further fire spread whilst personnel remain outside of the risk area.

Properties of Acetylene

- i. Acetylene is a colourless gas and has a garlic odour due to presence of impurities of phosphorous and hydrogen sulphide. However, pure acetylene has a pleasant odour.
- ii. It is insoluble in water but highly soluble in acetone and alcohol. Acetylene is transported under high pressure in acetone soaked porous material packed in steel cylinders.
- iii. Its boiling point is -84°C .
- iv. It is lighter than air and somewhat poisonous in nature.
- v. It burns with a luminous flame and forms an explosive mixture with air.

The Law

The Dangerous Substances and Explosive Atmospheres Regulations 2002 require businesses to assess the risks of work activities with dangerous substances and eliminate, substitute or reduce the risks as far as reasonably practicable.

The Regulatory Reform (Fire Safety) Order 2005 requires the responsible person (typically the business owner) to carry out a [Fire Risk Assessment](#). This should take account of the impact of a fire involving a cylinder on surrounding premises and people.

Alternatives to using Acetylene

Virtually all welding and cutting work using acetylene can be carried out using different products which present less of a risk to firefighters and the wider community if they are involved in fire.

Welding

Tungsten Inert Gas (TIG) Welding: a welding arc, formed by an electric current passing between a pointed tungsten electrode and the work piece, melts a weld pool. The electrode and the weld pool are protected by the inert gas shield.

TIG is best for fine, high quality welding especially in thinner materials and specialist metals. As the electrode is not consumed, the input of heat and the formation of the weld pool are separate from the addition of filler metal (as for oxy-acetylene welding).

Metal Inert and Metal Active Gas (MIG & MAG) Welding: (also known as CO2 and semi-automatic) describes those processes where a continuous wire electrode is used. A gas shield gives weld pool protection. Welding wire: a wide variety of solid and tubular (containing metal and or flux) wires are available to match the composition & properties of the metal being joined. There are also MIG brazing wires available.

Manual Metallic Arc (MMA) Welding: with this process an arc is struck between a flux coated metal rod (electrode) and the work piece. The flux melts forming a gas and a slag, which protect the weld pool. The slag must be chipped off at the completion of each weld run. Only short lengths of weld are made before a new electrode needs to be used. Weld penetration is low and the quality of the weld deposit is highly dependent on the skill of the welder.

Heating

An alternative to using Acetylene for heating metals is to consider the use of oxy-propane. In many cases this is a viable alternative however it does not have the same high flame temperature as Acetylene so is not always a direct replacement.

Cutting

Mechanical cutting: many metals can be effectively cut using saws (band and jig), angle grinders, slitting wheels or guillotines. They can give good performance and productivity.

Plasma cutting: is carried out by a high velocity jet of ionised gas (plasma) that is formed by electricity flowing from the cutting torch to the work piece. The plasma melts work piece material, and the gas jet blows the molten metal away to make the cut. Any conductive metal can be cut using compressed gas, typically air (note oxy-acetylene cannot cut stainless steel or aluminium). Easy to master, the process is much faster than oxy-fuel cutting (for less than 25mm metal).

We suggest you do your own risk assessment and liaise with your gas supplier to establish which product best suits your requirements.

If, after doing this, you decide that you need to use acetylene you should:

- Carry out a Fire Risk Assessment, as required by the Regulatory Reform (Fire Safety) Order, 2005;
- Incorporate into the Fire Risk Assessment the requirements of DSEAR 2002 in regard to Acetylene;
- Store acetylene cylinders in accordance with the guidelines published by the Health and Safety Executive;
- Let your local fire service know that you are using or storing acetylene as this will help them to maintain an accurate risk profile for your county. They will then be armed with the information they need to keep firefighters and the community safe if called to a fire at your address.

**SAFETY ALERT: 'NORFOLK RANGE' LARGE WHEELED DRY POWDER
FIRE EXTINGUISHERS - MANUFACTURED BEFORE 2009 BY UK FIRE INTERNATIONAL LTD**



Discharge hose attached at the bottom of the unit by piped metal elbow piece. This elbow joint can be seen to be rusty

At a recent fire on a chemical plant, three wheeled dry powder fire extinguishers, containing 45kg of Monnex dry powder, failed to discharge when activated. This safety alert relates to dry powder units manufactured between 1970 and 2009. An identifying feature of these units is that the discharge hose is coupled at the base of the unit via a threaded metal elbow joint.

The enclosed photograph shows the type of unit covered by this alert. If you are unsure if your units are affected by this safety alert, consult Britannia Fire Ltd.

HSE examined three of the above units that failed to operate. Each had rust visible on the inside of the elbow joints. The extinguishers had been kept outdoors under plastic covers and had been serviced every six months. The service engineers had noted the rust but it was not thought to affect the operation of the units.

The flexible discharge hose is normally removed during servicing however the elbow joint is not usually disturbed. It is believed that water ingress at this

joint resulted in caking of the dry powder within the elbow joint. The caked powder may fall back from the discharge tube into the body of the extinguisher and so not seen during basic servicing. Upon activation of the extinguisher, the caked powder can block the discharge hose and render the unit inoperable.



The above photograph shows the rusted joint and caked powder from a unit that failed to operate. When the flexible discharge hose was removed the blockage was not visible. It was only identified when the elbow was removed from the body of the extinguisher.

The revised design of 'Norfolk Range' extinguishers produced by Britannia Fire Ltd is not affected by this problem. The design of the later versions features hoses mounted to the top of the unit, as shown in the photograph below.



Action required:

- You should inspect any 'Norfolk Range' wheeled dry powder fire extinguishers and confirm if you have a unit with a discharge tube connected to the bottom of the unit.
- If the extinguisher has been left exposed to adverse conditions since its last extended service, the condition of the elbow joint should be examined by a competent fire extinguisher service engineer.
- Service engineers should closely examine, and if necessary, remove the elbow to confirm if there is evidence of water ingress to the discharge tube. If there is any doubt about moisture affecting the powder in the discharge tube, consider subjecting the extinguisher to an extended service including full replacement of the dry powder.
- Service engineers should advise clients to consider storing this type of extinguisher in a location where it is protected from rain or very damp conditions.

Relevant legal documents:

- Provision and Use of Work Equipment Regulations 1998 regulation 5
- Regulatory Reform (Fire Safety) Order 2005, Article 17
- Fire Safety (Scotland) Regulations 2006, as amended, regulation 16
- The Offshore Installations (Prevention Of Fire And Explosion, Emergency Response) regulations 1995 PFEER regulation 19

If you have any queries relating to this, please contact joannahancock@bfff.co.uk



FIRE SAFETY PRIMARY AUTHORITY

One Year On...

On the first anniversary of our Primary Authority Partnership with Lincolnshire Fire & Rescue, we look back at the progress made and our plans for the future.

BFFF are delighted with the partnership with Lincolnshire as they skilfully balance their regulatory role whilst understanding the businesses objectives and provide an open and trusting approach embraced by our membership. We now have over 2500 premises signed up to the scheme.

In the past year we have developed our first industry guidance relating to fire safety. This guidance relates to fire safety induction requirements for employees and contractors and has been designed specifically for our sector. This topic was prioritised by members and the end result incorporates their feedback and provides consistent advice specifically for the industry.

For the future, we have already commissioned guidance on:

- Fire Safety Information Packs;
- Example Risk Assessments; and
- Maintenance of the new 10 year 'service free' fire extinguisher.

We have a very proactive, business oriented partnership and have made real steps to providing businesses with valuable information that is not readily available anywhere else. We look forward to developing the scheme in the future.

Third Party Endorsements:

"Excellent at acting as the conduit between local enforcement and central business leads. With their support we were able to demonstrate the organisational reaction without compromising risk levels. End result, issue resolved, no unnecessary enforcement action, happy regulator and a happy organisation!"

Greggs Plc

"Using the PA has allowed us to review the fire safety strategy in a part of the operation. The professional manner that was applied to the situation means that we could achieve a cost beneficial solution to a significant issue without compromising the safety of both our staff and the plant."

Penguin Foods UK Ltd

"Within weeks of signing up PA came to the rescue and provided support which helped us to avoid enforcement action. They are quick to provide feedback and have demonstrated a balanced approach when suggesting appropriate fire safety measures."

Iceland Foods Ltd

For more information, or to get involved contact crystalholmes@bfff.co.uk

SAFETY FOCUS

HOW SUITABLE AND SUFFICIENT IS YOUR HEALTH AND SAFETY MANAGEMENT SYSTEM?

Some recent high profile cases have highlighted the importance of not only having a suitable Health and Safety Management System (HSMS) but implementing the system and remedial measures throughout the business.

Case Summary:

A well-known retailer was recently handed a £1.2 million fine for a fatal accident in one of their stores. It involved the tragic death of a child where an unsecured 100+ kilogram mirror fell on him.

Salient Points

On the surface of it, this case may seem unrelated to our sector and industry. However, below we can examine the case and how it could relate to any business sector.

- 1) £1.1 million fine was for breach of Section 3(1) of the Health and Safety at Work Act 1974 (HSWA). This Section places a duty on any Employer to take all reasonably practicable steps to ensure the health and safety of non-employees affected by their work.
- 2) A further £100,000 was levied under the Management of Health and Safety at Work Regulations 1999 (as amended). This law places a duty on any Employer to carry out suitable and sufficient risk assessments and have appropriate health and safety arrangements.

So it is worth noting both of the laws above would apply to any business.

What was said?

Other lessons to be learnt can be interpreted from comments made by the different parties involved in the case. For example, the Prosecutor for the Council stated: "The company are responsible for ensuring safety; they have to appoint people to do that. There was no checking by anybody to make sure that the mirror had been placed or fixed properly."

I.e. a company's responsibility includes the appointment of people to help them fulfil their duties such as competent persons and others (e.g. fire marshals, first aiders and in this case could have been in-store responsible person to make regular checks and follow manufacturer's instructions).

The company's own legal representative acknowledged the company's "combination of serious failings."

The Judge's comments included that the unsecured mirror was as "enormous" risk to both staff and customers. He also noted it was not an isolated incident as there had been reports at the company's other UK stores, including reports of a falling mirror in 2009 and an unsecured mirror in 2010. The Judge emphasised there had been "systemic failures", which rose to the very top of the company.

So if a member of staff had been injured, the company could have faced a further charge under Section 2(1) of HSWA. It could also imply that a business should take remedial steps for repeated issues, especially if they pose a severe risk and H&S management requires genuine leadership from the top.

What is particularly relevant is that the Judge commented that there was a health and safety system in place, but this tragedy occurred, because the system hadn't been implemented properly with the appropriate training, managing and compliance.

To conclude, it is not sufficient to just have a Health and Safety management system or arrangements in place. It must be implemented, there must be appropriate persons trained on the arrangements and failures must be addressed to prevent serious consequences.

LEGISLATION UPDATE

TRAVEL TIME PAY TO IMPACT UK BUSINESSES

A new Court of Justice of the European Union (CJEU) ruling could have a significant impact on UK companies employing workers who don't have a fixed place of work and who travel to and from appointments, says Andrew Willis Head of Croner Litigation at Wolters Kluwer.

The CJEU has ruled that time spent travelling to and from appointments by workers without a fixed place of work should be regarded as 'working time' for the purposes of the Working Time Directive. Such arrangements are common in the care and sales sectors, but the case is significant for any business employing people in this way.

Under the UK Working Time Regulations any period during which the worker is working at the employer's disposal, and carrying out his activity or duties, is included in working time. It is common practice for employers to include travel as part of working time if it is an integral part of the job (for example in the case of a travelling sales person), including travel between sites or clients. However, many employers do not pay for the time spent travelling between the worker's home and the premises of the first and last customers or clients.

Now, in *Federación de Servicios Privados del Sindicato Comisiones Obreras v Tyco Integrated Security SL and anor*, the CJEU has ruled that if a worker does not have a fixed or habitual place of work, time spent travelling between his or her home and the premises of the first and last customers does constitute 'working time'.

This ruling could have a significant impact on working hours and, particularly for those workers receiving remuneration at or near minimum wage rates, pay – particularly pertinent given the government's recent living wage announcement.

"While the immediate effect of this decision will be on UK workers employed by the State and State bodies, there is likely to be an early challenge to domestic law, at which point the Working Time Regulations may well be interpreted in a manner consistent with the Court's decision", says Mr Willis. "It would therefore be sensible for employers to seek early advice and consider practically addressing this issue as soon as possible, particularly when reviewing or re-negotiating terms and conditions, so as to ensure compliance with the Working Time Regulations and National Minimum Wage obligations."

SELF-EMPLOYED LAW CHANGES

On 1 October 2015, new legislation will come into effect exempting an estimated 1.7 million self-employed people in Great Britain from Health and Safety law.

The change stems from the 2011 Löfstedt Review, which recommended that those self-employed people whose work activities pose no potential risk of harm to others should be exempt from Health and Safety law.

The HSE says that in terms of the new Health and Safety at Work, etc Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015, the law will now apply only to those self-employed people whose work activity is specifically mentioned in the new Regulations, those whose activities pose a risk to others, and those who employ others.

The HSE says the changes will exclude self-employed people like "graphic designers, accountants, confectioners, financial advisors and online traders".

However, the law will continue to apply to certain work activities deemed high risk, such as those:

- in agriculture — all types of farming, keeping of livestock, market gardening and forestry
- in construction — any work activity mentioned in the Construction (Design and Management) Regulations 2015, including any work on a construction site
- working with gas
- in the railways — including driving, loading and unloading vehicles, and all maintenance or repairs to vehicles and infrastructure
- involving asbestos
- involving genetically modified organisms where not released into the environment — such as within a research laboratory or a biotechnology production facility.

Self-employed people need to determine if any part of their work activity poses a risk to the Health and Safety of others. Even if that is the case clients, insurers and other parties may still require Health and Safety documentation, including risk assessments and evidence of competence.

Q&A'S

SWISS BALLS AND KNEELING CHAIRS



Q. One of my employees has a bad back and their physiotherapist has recommended they use a 'Swiss ball' at their desk. Should I provide one?

A. Physiotherapists often recommend Swiss balls and kneeling chairs to improve a person's sitting posture. Sitting on one of these tilts the pelvis forwards, which encourages the spine into its natural "S" shape and engages the back muscles. This is exactly what they are designed for: exercise. It is when they are brought into the workplace and used for eight hours a day that they start to cause problems.

Back muscles need training to sustain eight hours' work. After a while without proper support from a backrest or from the ground through the legs, the back muscles will begin tiring. Unwittingly, the person will compensate by slouching or leaning forward and getting support through his or her arms from the desk in front of him or her. This creates a far worse posture than sitting in a supportive standard workstation chair. Swiss balls and kneeling chairs should therefore only be used for a maximum of 30 minutes at a time.

Instead, a high-backed chair with a specially moulded saddle-shaped seat would make a good alternative because these tilt the pelvis forwards whilst also providing full support. These types of chairs are versatile as they can even be sat on backwards to provide front support for people who have to lean forwards for their work, such as people looking down a microscope.

WEARING SENSIBLE FOOTWEAR TO PREVENT ACCIDENTS

Q. As part of our approach to prevent slipping accidents at work, we ask employees to wear sensible footwear. A Trade Union Safety Representative has said that if we do this, we must, as the employer, pay for the footwear. Is this the case?

A. Slips and trips are the most common cause of injury at work, causing on average 40 per cent of all reported major injuries.

Under health and safety legislation, employers are required to assess any risks including those relating to slipping on floor surfaces. The assessment may include a review of current documentation (eg incident reports, near misses, etc.), physical observations, and survey of the premises, staff interviews or use of the HSE Slip Assessment Tool if more specific detailed information is deemed necessary.

Employers are required to meet the so far as is reasonably practicable criteria when controlling risks and should be giving consideration to a slip hierarchy of controls as follows:

- Prevent contamination getting onto floors for example by designing out spills from work activities.
- Control contamination through suitable cleaning regimes, housekeeping etc.
- Eliminate adverse environmental conditions such as rainwater ingress through entrances.
- Improve floor conditions by replacing slippery flooring with more slip resistant surfaces.
- Put in footwear controls to reduce the potential for employees to slip.

It must be noted that there is a difference between a policy for employees to wear sensible footwear and the need to provide footwear to reduce slipping risks. In fact, some footwear can increase the chance of a slip happening and a sensible footwear policy can assist employees so as not to select inappropriate footwear. However, as the Health and Safety Executive state “if you have identified slips as a problem in your risk assessment, a sensible footwear policy alone will not be enough to stop slips happening” as “sensible footwear is not necessarily slip resistant footwear”.

Where the hierarchy is implemented and the risk of slipping is still considered significant then the employer must consider the option of issuing slip resistant footwear to reduce the risk further.

In doing so, the employer will be required to select the most appropriate footwear in relation to the specific slip hazards that have been identified.

If this is the case, the footwear issued would be deemed to be personal protective equipment and in those circumstances the employer would be legally obliged to supply the footwear free of charge to employees.



GUIDANCE

HSE LAUNCHES NEW V-MAC TOOL



HSE has recently launched an updated version of its Variable Manual Handling Assessment Charts (V-MAC) online tool. Designed to be used in conjunction with the standard Manual Handling Assessment Charts (MAC) tool, it is intended to help employers to assess manual handling operations where load weights vary.

According to HSE, the V-MAC can help you identify:

- The weights handled;
- The number of times each weight is handled;
- The distribution of weights handled;
- The level of MSD risk for the load weight/frequency risk factor;
- How changing the weights of items or how often they are handled affects the overall demands of the job.

The tool has a number of limitations. For instance it is not able to take account of certain activities including:

- Walking (but not carrying);
- Pushing or pulling tasks using aids such as pump trucks, roll cages, trolleys or sack trucks;
- Time spent travelling on a powered order picking vehicle, such as a fork lift truck, high reach truck or low-level order picker.

The tool works by inputting manual handling data into an MS Excel workbook. Required data includes load weights, travel distance, shift duration etc. for three workers. Once the data has been entered the workbook updates a number of output tabs, including a load weight/frequency graph and a colour-coded summary table that helps to identify the aspects of the job that increase the risk.

You can find the new tool at www.hse.gov.uk/msd/mac/vmac/

MODERN SLAVERY ACT

The Modern Slavery Act 2015 received royal assent on 26 March 2015. The Act consolidates the current offences of slavery and human trafficking. It also serves to lengthen the maximum prison sentence for such crimes, introduces new civil orders to increase law enforcement and includes provision for the creation of a new

Anti-Slavery Commissioner. The Act is available here: http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf



Additionally, and perhaps of most relevance to law-abiding businesses, the Act also introduces a requirement for commercial organisations over a certain size (£36 million turnover) to disclose, on an annual basis, the steps taken to ensure that slavery and human trafficking is not taking place in their organisation or associated supply chains.

This new obligation can be found at Part 6, section 54 (Transparency in Supply Chains etc.) of the Act. If you fall in the turnover threshold, then you will be required to look at your supply chain overseas as well as your UK operations.

The Home Office is currently working to produce guidance for UK businesses on what they need to do next, and what will need to be included in the annual reports. The guidance is currently expected to be issued in October 2015. We will update with relevant information to member businesses as it is released.

BFFF are supporters of Stronger Together, a scheme that helps employers look for the signs of forced labour but also provides resources to help employees come forward.

All of the resources are free and available here: <http://stronger2gether.org/>

If you have any queries on this please don't hesitate to contact crystalholmes@bfff.co.uk

A SITE SAFER

Provided by Mentor FLT Training Ltd.

'What can we do to improve site safety?' is the kind of question we're often asked and are keen to help businesses answer. Though the specifics vary from site to site - each with its own unique hazards and risks - over 27 years in business we have definitely been able to identify some clear themes.

Obviously, there's no magic formula but, at its simplest, there are three key areas on which the most safety savvy businesses tend to focus in order to actively promote and maintain a safe working environment: traffic routes/segregation, training and engagement.

And for good reason. Get this holistic trinity right and you can anticipate a significant – and lasting – improvement in safety on any site.

Let's start by being clear on who are the real victims. It's people on foot. Pedestrians account for 60% of the many hundreds of fork truck related accidents each year and that almost invariably means serious and life changing injuries (there's only ever one outcome when humans come into contact with several tonnes of steel).

Regrettably, the number of these accidents remains stubbornly – and depressingly – high with FLT's responsible for the great majority of workplace traffic accidents. Damningly, during a ten year period when road traffic accidents fell by 46%, FLT accidents came down by just 10%.

We can do better. We must do better. Doing so need not be costly and, what's more, improvements to the safety regime are almost certain to reduce operating costs and enhance any company's bottom line.

Traffic Routes & Segregation

Creating a clear, physical separation between employees on foot and FLT's may sound obvious but in an online Hazard Perception Test, developed by Mentor in association with the Fork Lift Truck Association and available free to BFFF members, only 50% of managers and supervisors recognised the dangers. In many ways that comes as no surprise.

From our own experience of running Managing Forklift Operations courses, it emerges that less than 50% of attendees have ever operated a truck. Worse still, 90% simply aren't aware of their legal responsibilities or the real consequences of an accident.

Training

Most companies have recognised the need for operator training and fulfil their basic obligations. However, far fewer take account of human nature and the need for constant monitoring.

Operating a fork lift is a skilled job, one that involves a high level of repetition. Unfortunately, performing the same task many hundreds of times a day can easily lead to complacency and bad practice. Why? Because people calculate risk based on what has (or hasn't) happened previously, even when they know they shouldn't. Because "nothing bad happened when I did that before" people relax and their performance levels plummet. As road users, how many of us can claim to be blame-free? The difference is that on the highway we are held to account – by cameras, the police... but especially by our peers.



It makes sense, therefore, for every single employee on site to receive a short, sharp and thought-provoking training course of the dangers posed by FLT's... and how to avoid them. Our own "Safely Working with Lift Trucks" course has proved to be exceptionally effective in delivering high impact, low-cost training that both informs the unaware and refocuses the experienced who have fallen into bad habits.

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Engagement

As mentioned a little earlier, peer group pressure is immensely powerful so one of the most important steps to reducing accidents is creating a positive safety culture... a shared belief about risk, hazards and accidents. The aim: to establish a self-policing environment where bad practice is simply not tolerated by the community (like smoking in a restaurant).

It starts with buy-in from the top. Senior management must recognise the benefits and have the commitment to demonstrate that the safety culture is genuine... and involves everyone. Employees need to be engaged and involved in an open and meaningful way, not least because they are most likely have the solutions to any challenges. By making them part of the process and the solution you will have their all-important buy –in.

Finally, sustain the commitment. Working safe and staying safe needs to be part of every shift, day to day, year upon year, to avoid the threat of complacency.

To find out more about how you can improve your site safety, contact Mentor on 01246 555222 or visit www.mentortraining.co.uk.



HAZARD PERCEPTION TOOL

For Supervisors of Forklift Operatives

BFFF has been working with Mentor FLT Training Ltd to launch an online hazard perception tool aimed at supervisors of fork lift operations.



Developed by Fork Lift Training specialists, Mentor FLT Training Ltd, and the Fork Lift Truck Association this tool is FREE and exclusive to BFFF members.

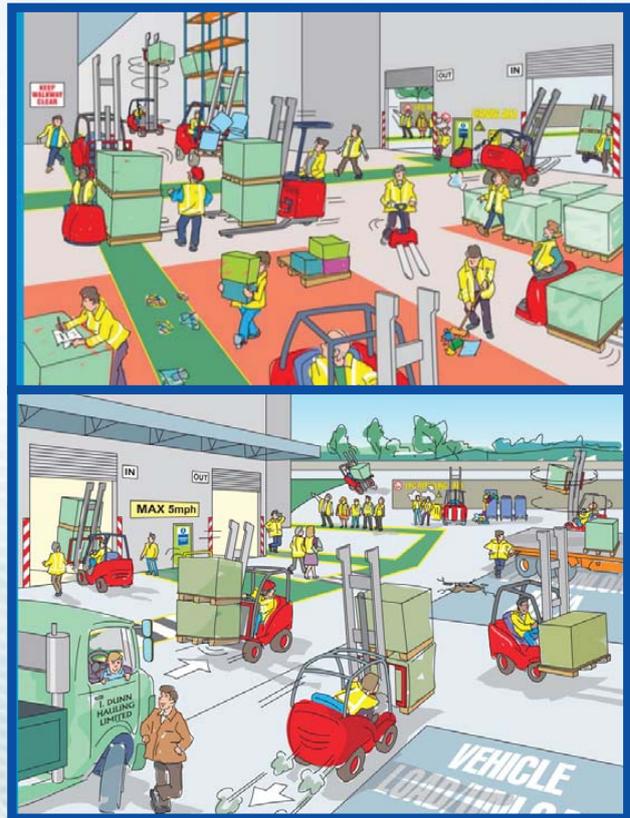
The Health and Safety Executive (HSE) is targeting managements' role in safety. The latest revision of the HSE Approved Code of Practice outlining the safe operation of lift trucks, L117 'Operator training and safe use' underlines the importance of the supervisor's role. He or she must be able to identify hazards, unsafe practices and behaviours and confidently act upon them.

This tool supports our members by providing a means of reviewing supervisors' awareness of the hazards of fork lift operations. Although designed for supervisors, it can also be used by fork lift operators and other employees needing to access areas where fork lifts are in use.

It is quick and easy to use and has been tried and tested by the BFFF Health and Safety Expert Group. Members can structure the way employees enter their initial information so that different sites/ depots can be easily identified.

The results from each test remain confidential to your company and will be sent to your designated contact each month.

It's FREE so we would like to encourage all members to use the tool and see how it can support your business to assess your fork lift operators and supervisors.



The tool can be accessed here:

www.mentortraining.co.uk/quiz-demo

For more information contact joanna.hancock@bfff.co.uk

HSE'S LEADERSHIP AND WORKER INVOLVEMENT TOOLKIT

HSE's updated Leadership and Worker Involvement Toolkit is intended to help contractors and managers learn how to make health and safety improvements in their businesses by learning from the "best in the construction industry". Although aimed at the construction industry, the Toolkit is designed so that other industries can benefit.

The Toolkit is split into seven parts:

1. Assess how you're doing
2. Find the root of the issues
3. Make it fit with what you do
4. Lead this in your company
5. What's in it for your team
6. How your team can carry it out
7. Make it last

The first part of the Toolkit contains an interactive Health and Safety Diagnostic Tool (HSDT) intended to measure your H&S culture. Following this the Toolkit provides resources to help improve the culture in your organisation including case studies, guidance documents, a leadership check tool, training packs and online videos.

IPAF CALCULATES FATAL INJURY RATE TO DETERMINE MEWP SAFETY

The International Powered Access Federation (IPAF), which promotes the safe and effective use of powered access systems such as mobile elevating work platforms (MEWPs), has published new research on the fatal injury rates associated with MEWPs.

The Federation says its preliminary fatal injury rate calculations confirm that MEWPs are one of the safest ways to perform temporary work at height.

The MEWP fatal injury rate as calculated by IPAF takes into account:

- estimated rental fleet size
- estimated average utilisation rates per country and worldwide
- average days worked per year (5 days a week for 50 weeks a year)
- the number of fatalities involving MEWPs in a given year.

The IPAF says that based on the estimated rental fleet size, the average utilisation rate and the average days worked per year, the number of days a rented machine was operated per year was estimated at 168.4 million worldwide for 2013.

Taken with the 68 reported MEWP fatalities worldwide in 2013, the fatal injury rate (i.e. the number of fatalities per 100,000 days a rented machine was operated) was estimated at 0.040.

For 2014, the fatal injury rate was 0.035.

Putting these figures into perspective, IPAF also examined the MEWP fatal injury rate per 100,000 of the workforce in 2013 for the US which was 0.03. In contrast, the fatal injury rate per 100,000 of the workforce due to falls from height was 0.4 (with fatalities due to falls from height involving MEWPs excluded) and the fatal injury rate per 100,000 of the workforce due to fatalities of any kind at work was 3.27 (also excluding MEWPs).

Further information on the research can be accessed at <http://www.ipaf.org>.

HSE PUBLISHES POWERED GATES INFORMATION

HSE has published guidance on the safety surrounding powered gates. Much of the advice and guidance will also be applicable to powered industrial doors and, to some extent, other powered building products such as pedestrian doors, screens, shutters, windows, vents and awnings. The pages cover:

- Basics on risks, safety and the law
- Responsibilities of designers, manufacturers, installers, owners, repairers, etc
- More on Safety by design/construction, when in use, or following maintenance
- Powered Gate FAQs



Concerned about an unsafe powered gate?

There have been a number of serious and fatal incidents involving powered gates and industrial doors. If you believe a powered gate is dangerously unsafe, in the first instance you should promptly bring the matter to the attention of the gate owner or person responsible for the site at which the gate is located, preferably in writing with reasons for your opinion. This will help that person consider the matter and take any action necessary for safety.

Should you wish to advise the authorities of the situation please note the following:

- Where the powered gate is on industrial, agricultural, construction or in common areas of residential premises, the matter should be reported to HSE.
- For commercial premises such as shops, warehouses, car parking and leisure venues, you should approach the relevant Local Authority Environmental Health Department.
- Where the matter is in relation to the supply of a powered gate that is part of private domestic premises, the local Trading Standards Service should be contacted.

The basics on risks, safety and law surrounding powered gates is accessible here: <http://www.hse.gov.uk/work-equipment-machinery/power-gates/basics.htm>

DRIVERLESS HAULAGE VEHICLES COULD IMPROVE SAFETY



A new research study claims that using driverless haulage vehicles could improve safety by “dramatically” reducing road traffic accidents, as well as saving money and reducing congestion levels.

The new report, entitled *The Future of Driverless Haulage*, was undertaken by the insurance company AXA UK in conjunction with Douglas McNeill, an independent financial and logistics analyst.

The report argues that almost every industry in the UK relies to some extent on transporting goods

from one place to another and the cost of doing so is ultimately fed through to consumers.

It concludes that using automated or “driverless” haulage and logistics vehicles would deliver nearly £34 billion in efficiency and other savings to the haulage industry which could be passed on to consumers in the form of lower retail prices, saving UK households £150 a year on their grocery spend.

The research argues that driverless haulage could also dramatically reduce road-traffic accidents and congestion levels.

David Williams, Head of Underwriting, at AXA UK, said, “In commissioning this economic modelling, we wanted to discover the financial impacts of introducing driverless haulage fleets. The results confirmed our suspicion that automated freight will not only be much more efficient and make the roads safer for other users, it will also reduce the prices of the end products that we all buy.”

He added, “Autonomous vehicles can help reduce the needless number of lives lost through road traffic accidents caused by human error and assist in driving down fuel costs and consumption. HGVs alone were involved in 6,000 road accidents in 2013, comprising a total of 8,448 casualties, 258 of which were fatalities. These are preventable, human-error accidents and the introduction of driverless technology has the potential to transform the haulage industry, with significant implications for the UK’s roads, in terms of safety and congestion, for its environment, business and the UK economy as a whole.”

GUIDANCE ON THE HEALTH AND SAFETY (SAFETY SIGNS AND SIGNALS) REGULATIONS 1996

HSE has produced guidance on the Health and Safety (Safety Signs and Signals) Regulations 1996.

The guidance is for employers, dutyholders and others who have responsibility for the control of workplaces, sites and premises. It is also for those operating equipment that requires verbal and/or non-verbal communications.

It sets out what you should do to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996.

Safety signs and signals are required where, despite putting in place all other relevant measures, a significant risk to the health and safety of employees and others remains.

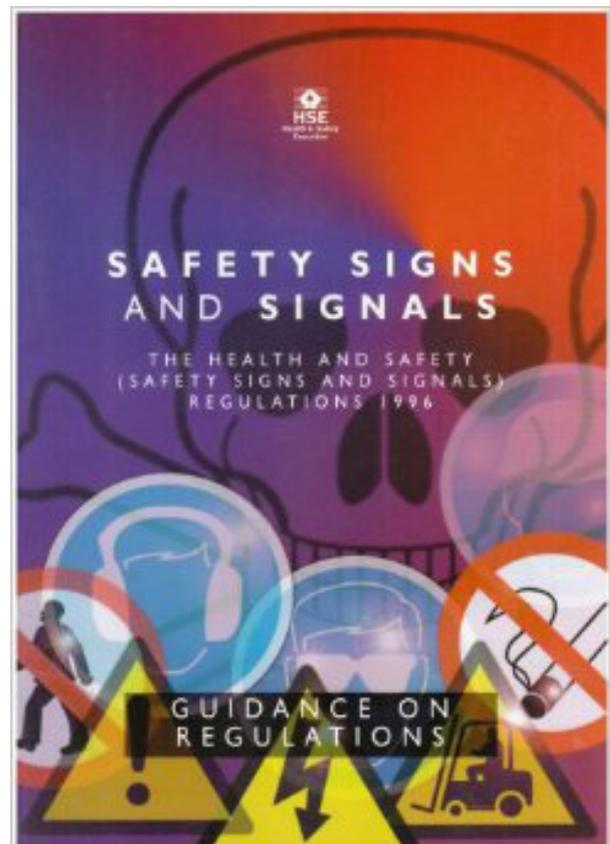
Signs must be clear and legible, and should be used to identify actions that are prohibited (e.g. no access), safeguards that must be followed (e.g. ear protection must be worn), warning of a hazard (e.g. corrosive material) and to direct towards fire exits/equipment or first-aid equipment.

You should avoid using too many signs which may cause confusion.

The Regulations enact in UK law an EU Directive designed to harmonise signs across the EU so that signs across the member states will have the same meaning whichever country they are used in. Details of BS EN ISO 7010 are also included in the guidance.

This edition brings the document up to date with regulatory and other changes, including those relating to the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015. The version of the Regulations included in the document has been amended to reflect those changes.

The guidance document can be found here: <http://www.hse.gov.uk/pubns/priced/l64.pdf>



LANDMARK REVIEW ON E-CIGARETTES MAY IMPACT WORKPLACES

Public Health England (PHE) has pledged to publish new advice to support employers in developing “evidence-based” e-cigarette policies for workplaces, following a landmark review by the body which has concluded that e-cigarettes are around 95% less harmful than tobacco.

The new expert independent evidence review by PHE says that e-cigarettes are significantly less harmful to health than tobacco and have the potential to help smokers quit smoking.

Specifically, the review concludes that:

- the current best estimate is that e-cigarettes are around 95% less harmful than smoking
- nearly half the population (44.8%) don't realise e-cigarettes are much less harmful than smoking
- there is no evidence so far that e-cigarettes are acting as a route into smoking for children or non-smokers.

The review also suggests that e-cigarettes may be contributing to falling smoking rates among adults and young people.

PHE has also published a separate paper on the implications of the new evidence for policy and practice. In this paper, PHE has undertaken to publish future framework advice to support organisations in “developing evidence-based policies on use of e-cigarettes in enclosed public places and workplaces”.

The new review could well have consequences for workplaces, with speculation that the findings could encourage employers to re-appraise policies on vaping in the workplace.

Despite this, in June 2015, the Welsh government announced it is to ban e-cigarettes in pubs, restaurants and at work.

The ban, likely to come into effect in late 2016 or early 2017, would be the first such restriction in the UK and has attracted controversy amongst those who believe the use of e-cigarettes can help smokers of conventional cigarettes quit.

At present, therefore, it is up to individual firms to decide where and when e-cigarettes are permitted.

HSE COSHH E-TOOL

COSHH Essentials provides advice on controlling the use of chemicals for a range of common tasks, e.g. mixing, or drying.

For most tasks the website will take you through a number of steps and ask for information about your tasks and chemicals. This assessment will take several minutes to complete. But for some processes, tasks or services you can now get direct advice.

The Direct Advice sheets cover:

- Agriculture (Farming)
- Flour (Bakers and millers)
- Metalworking fluids
- Microelectronics
- Motor Vehicle Repair
- Offshore
- Printing
- Rubber
- Service and Retail
- Welding
- Woodworking



If your industry is not listed you can find the COSHH e-tool here: <http://www.coshh-essentials.org.uk/entryoptions.asp>

'DUST HUB' MICROSITE LAUNCHED

The HSE website has launched a microsite to provide information to help employers control exposure to dust in the workplace.

Dust is tiny, dry particles in the air and can be produced when materials are cut, drilled, demolished, sanded, shovelled, etc. This means many work activities can create dust. Dust is not always an obvious health hazard as the particles which cause the most damage are often invisible to the naked eye and the health effects of exposure can take many years to develop.

Specific dust guidance is available on:

- Asbestos;
- Flour;
- Grain;
- Silica; and
- Wood.



The site also contains a FAQ section as well as general dust guidance from other institutions.

You can access the 'dust hub' here: <http://www.hse.gov.uk/dust/index.htm?eban=govdel-coshh&cr=30-Jun-2015>

EMPLOYERS' PERCEPTIONS OF SAFETY OF YOUNG WORKERS

The Health and Safety Executive (HSE) has published a new research report on employers' perceptions of the health and safety of young workers.

The aim of the research was to investigate perceptions and attitudes about health and safety and the employment of young people.

The work involved a review of published documents and interviews with 14 representatives from employer organisations, schools/academies, work placement organisers and insurers.

No documents were found that examined employers' views about young workers and health and safety. However, evidence was found within published documents linking the increase of injury in young workers with:

- a lack of work experience and training
- poor awareness of occupational risks
- inadequate supervision
- possible lack of physical and/or psychological maturity.

Interviewees perceived that all environments can present a risk if a worker lacks relevant experience or awareness of them.

When taking on a young person, the interviewees considered age to be less important than experience and ability.

The researchers reported misperceptions about the health and safety considerations that need to be made for young people when they enter the workforce. The report says there were also some perceptions that employers may hide behind health and safety and insurance as excuses for not employing young people, when a more likely reason is that they perceive a young person to be a burden and an additional cost.

RR1061: Employers' Perceptions of the Health and Safety of Young Workers can be accessed at www.hse.gov.uk

LEGIONELLA UPDATE



We would like to remind members of guidance relating to Legionella following 2 major prosecutions on the subject following health & safety failings.

Details of the prosecutions can be found below, and we would encourage you to view the HSE guidance on Legionella and Legionnaire's Disease.

The HSE information is intended to help employers and those with responsibilities for the control of premises to understand what their duties are and how to comply with health and safety law. It applies to premises controlled in connection with a trade, business or other undertaking where water is stored or used, and where there is a means of creating and transmitting breathable water droplets (aerosols), thus causing a reasonably foreseeable risk of exposure to legionella bacteria. More information and guidance can be accessed here: <http://www.hse.gov.uk/legionnaires/>

COMPANY FINED FOR SAFETY FAILINGS LEADING TO RISK OF LEGIONELLA

A steel coating company has been fined for failing to manage the risks from legionella bacteria at two cooling towers over a period of five years.

Newport Crown Court heard how in February 2014, the Health and Safety Executive (HSE) visited the business and found it had been operating two cooling towers on site without taking appropriate measures to control the risk of proliferation of the bacteria since 2009.

The risks from the operation of the cooling towers had not been assessed, there was no written scheme, the towers were in poor condition, drift eliminators to reduce the spread of aerosol were missing, there was no water treatment programme in place and staff had not been trained to appreciate and manage the risks.

Prohibition Notices were immediately served by the HSE inspector that prevented the cooling towers being used until all appropriate controls were put in place. Improvement Notices were then served with regard to risk assessment and management.

The company was fined a total of £75,000 and ordered to pay £28,393 in costs after pleading guilty to offences under Section 2(1) (£30,00) and 3(1) (£45,000) of the Health and Safety at Work etc. Act 1974.

ENGINEERING FIRM IN COURT FOR LEGIONELLA FAILINGS

An international engineering firm, which refurbishes turbine blades, has been fined for failing to manage the risk to public and employees to potentially fatal legionella bacteria.

The company failed to properly manage the risk of bacteria growing in their cooling towers for over a year, from May 2011.

Derby Crown Court heard that during a visit to the company's site in May 2012, a Health and Safety Executive (HSE) inspector felt spray on his face, saw the yard's surface was wet and that nearby cooling towers were corroded.

Corrosion can encourage the growth of legionella bacteria which is carried in water droplets. If water is inhaled which contains the bacteria, it can lead to a number of diseases, but most commonly legionnaire's disease, a potentially fatal form of pneumonia.

HSE issued four improvement notices in June 2012 requiring inlet screens to be placed on the cooling towers to stop debris falling in them which could encourage legionella growth, and for corroded items of plant to be replaced. Two similar notices were served on the company in 2008 seeking improvements on rusting towers and a number of management failures. All the notices had been complied with.

The court was told a laboratory analysis of a water sample taken from the site before the HSE investigation had found legionella bacteria levels to be so high that immediate action was required to clean the system.

As well as failing to maintain its infrastructure, the company did not keep biocides (chemicals which kill bacteria) at effective levels.

The business was fined a total of £110,000 (£55,000 for each breach) with £77,252 in costs after admitting breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974.



FLTA SAFETY MONTH: SEE DANGER, SPEAK UP!

National Fork Lift Safety Week was launched by the Fork Lift Truck Association (FLTA) in 2008 to raise awareness of the dangers involved in fork lift operations throughout the industry and to stress the importance of common sense measures that can make lift trucks safer and more efficient.

**Fork Lift Truck
Association**

For 2015, the Association increased the scope into a month-long campaign throughout September, dubbing the campaign "Safetember".

Throughout Safetember the FLTA made a compendium of free resources and guides available on its website. The resources include:

- Instructional Safety Videos
- New Safety Posters that Target Key Safety Issues
- A Presentation to Inform Supervisors and Managers
- A Hazard Perception Test for Workers in Forklift Truck Environments
- A new Attitude and Behaviour Test

More information and access to the resources mentioned above is available here: <https://fork-truck.org.uk/fork-lift-safety/safetember>

PHE UPDATE AMMONIA DOCUMENTS

Public Health England has recently updated the incident management documents relating to ammonia.

The documents provide information on the health effects of exposure, the chemical's toxicity and material for responding to a chemical incident.

There are 3 updated documents:

- Ammonia: General Information;
- Ammonia: Incident Management; and
- Ammonia: Toxicological Overview.

The updated documents can be accessed on the [gov.uk](https://www.gov.uk/government/publications/ammonia-properties-incident-management-and-toxicology) website here: <https://www.gov.uk/government/publications/ammonia-properties-incident-management-and-toxicology>



**Public Health
England**

Health and safety strategists have warned employers and the government to be aware of emerging demographic changes which will, in future, result in a workforce with a far higher proportion of older workers. By 2030, there is an estimated 50% increase in people aged 65 and over who will be working. Here we consider the important health and safety implications which, if well managed, will have positive outcomes for both employers and employees.

Health and Safety Comes of Age

Dr Christa Sedlatschek, the Director of the European Agency for Safety and Health at Work (EU-OSHA) recently warned delegates at an international conference in Geneva that new health and safety approaches will be needed to take account of the changing demography of Europe, in particular, with regard to the increasing number of older workers in the workforce.

She said that Europe is facing “a demographic time bomb” with European workers having to stay in work longer, and health and safety professionals facing the challenge of ensuring that older workers can and do stay healthy, safe, and in work.

She called for “a change in attitudes and approaches,” and said, “We cannot keep designing tasks, workplaces and work equipment for 18-year-olds.”

The rate of ageing of the UK population is said to be less pronounced than in some European countries but nevertheless the workforce is ageing at a rapid rate.

Currently, according to research from the Office for National Statistics, the number of over-65s in work is now at the highest level since records began in 1992, with almost 1 in 10 people in this age group now employed.

A recent report by researchers at Brunel University, funded by the Institution of Occupational Safety and Health (IOSH), says increasing numbers of people are working into their late 60s and even 70s. By 2030, the report claims, there will be a 50% increase in those aged over 65 who will be working.

According to this research, the drivers behind these trends include plans to delay the payment of State retirement benefits, as well as the end of the default retirement age in the UK. These factors, the report notes, will inevitably lead to increases in people working into their late 60s and beyond.

Effects of Older Employees in the Workplace

The good news is that the researchers at Brunel University largely concluded that employing people over the age of 60 is positive for employers. The research indicated that workers in their 60s are generally less prone to accidents and injuries than younger workers, suggesting that education and experience might help them judge situations better.

In addition, they can cope with work pressures and bring a wealth of experience and knowledge. Staying in work is also good for the older workers themselves, with health and social benefits associated with employment at an older age.

However, there was also evidence that, when accidents did happen, the health of older workers was more seriously affected.

The study found that older workers thought they were subject to similar hazards at work as younger people, including email pressures, driving conditions and over-demanding clients. They largely coped with such pressures by using their experience, changing roles or moving to part-time hours.

Practical Risk Management

Another research report on the health and safety of older workers, commissioned by IOSH from the Institute of Occupational Medicine (IOM), suggests certain key factors that need to be considered as people age, as follows:

- Physical capacity: The report says, jobs should be designed to suit a range of individuals and not just the strongest or fittest in the workplace, so it is important to consider rests and important risk assessment issues pertaining to older workers, such as the musculoskeletal, cardiovascular and respiratory systems, vision and hearing. There should also be good reporting procedures for any problems experienced by workers.
- Shift work: Employers should consider limiting night work, or stopping it entirely, for workers aged over 45–50, as well as giving older workers priority to transfer to day work and allowing their choice of preferred shift where possible.
- Heat tolerance: In particular, the researchers say, more regular assessment of older workers who do hot work may be beneficial, to monitor their physical fitness and check that their health has not changed. Similarly, controlling and minimising older workers' activities in extreme heat are also important.
- Vision and hearing: The ability to hear and distinguish sounds decreases with age and visual changes also occur with ageing. Ergonomic solutions could include alternative warning systems, such as flashing lights, linked to the alarm system and making sure that the working environment is designed for optimum visibility.
- Psychological and psychosocial health: Although reaction times slow down as people get older, this is frequently offset by accuracy and experience. The researchers warn that a lack of social support for older workers can increase the likelihood of emotional exhaustion, so improving the coping strategies for stress in high risk environments is important.

The Health and Safety Executive (HSE) emphasises that looking after the health and safety of older workers is not only a legal requirement, as for any worker, but makes good business sense. The safety watchdog suggests employers should:

- review the risk assessment if anything significant changes, not just when an employee reaches a certain age
- not assume that certain jobs are physically too demanding for older workers — many jobs are supported by technology, which can absorb the physical strain
- consider the activities older workers do, as part of the risk assessment, and think about changes, for example, using self-paced health and safety training to allow older workers more time to absorb key information, allowing older workers to choose to move to other types of work or designing tasks that require manual handling in such a way that they eliminate or minimise the risk
- consider how older workers could play a part in improving health and safety, for example, having older workers working alongside colleagues in a structured programme, to encourage learning from their experience
- avoid assumptions, by consulting and involving older workers when considering relevant control measures.

Future Focus Areas

The ergonomics expert Professor Peter Buckle was recently quoted warning that the UK has made “virtually no provision” for a future workforce in which a growing number will be made up of ageing workers.

Having published a new evidence review for the Government on the future of ageing and the current workplace infrastructure in June 2015, Professor Buckle is one of the nine experts who were recently appointed to HSE’s new Workplace Health Expert Committee (WHEC). He is expected, as a matter of priority, to recommend the WHEC commissions research on risk assessment of work for over 65-year-olds, as it is believed that this is an area currently lacking a sound evidence base.

In the context of the EU, the European Commission recently published its new Strategic Framework for Health and Safety at Work for the years leading up to 2020, and this document identifies “Taking Account of the Ageing of the EU’s Workforce” as one of its three major future challenges (along with work-related disease and small enterprises).

EU-OSHA has also confirmed that its forthcoming Healthy Workplaces campaign for 2016–2017 is to be entitled “Healthy Workplaces for All Ages” and will focus on older workers and promoting sustainable working lives.

All these workplace initiatives suggest an area of emerging focus for the health and safety authorities and one to which employers will, increasingly, be expected to respond.

ROW OVER INVESTIGATION OF GLASGOW BIN LORRY CRASH

The Health and Safety Executive (HSE) has been criticised for its decision not to investigate the Glasgow bin lorry crash as a work-related incident.

On 22 December 2014, a council bin lorry collided with pedestrians in the city centre of Glasgow, killing six people and injuring fifteen others. Harry Clarke, the driver of the lorry, had reportedly passed out at the wheel and later could not recall details of the crash.

According to press reports, it was agreed, at a meeting held the day after the crash with representatives from the police, the Crown Office, the HSE and others, that the incident would be investigated as a road traffic incident by the police, rather than a work-related incident, with HSE involvement.

Subsequently, as a result of the police investigation, no criminal charges were filed against Mr Clarke or Glasgow City Council, although a fatal accident inquiry (FAI) was convened and is currently ongoing.

During the inquiry, lawyers have accused Harry Clarke of telling a “pack of lies” on his job application and other forms about his medical history in order to retain his heavy goods vehicle (HGV) licence.

The HSE says the police will “in most cases take the lead in the investigation of road traffic incidents” and HSE will have a role only in certain circumstances, such as where work vehicles are engaged in specific work activities, other than travelling on public roads.

However, Mark Stewart QC, acting for the family of some of the deceased, was quoted as suggesting to HSE inspector Barry Baker that the HSE’s decision to categorise the incident as a road traffic accident was “hasty and ill-advised,” which the inspector denied.

In a statement, the campaign group Families Against Corporate Killers (FACK) also “severely questioned” the decision and urged the FAI to examine the failure to investigate the incident as a work-related incident.

ENFORCEMENT

COMPANY FINED AFTER WORKER'S HAND PULLED INTO MACHINERY

Food manufacturer Baxters has been fined in Elgin Sheriff Court for serious safety failings after a worker suffered hand injuries at its Riverside Factory in Fochabers in March 2013.

The worker, of Lossiemouth, was working on a newly-installed line when his hand was drawn into the gap between the moving conveyor and a newly-installed roller; however he was unable to remove his hand or activate the conveyor's emergency stop.

A passing colleague came to his assistance but he had already suffered lacerations and open wounds to three fingers on his hand. He was off work for a month and still suffers pain in his hand and no longer has full movement.

The HSE investigation found that while the company had assessed some of the risks of the new line, it had failed to identify the need for further assessments once it had been fully installed.

The court was told that although the worker was given a basic induction and health and safety briefing when he started work he had not been instructed on the specific machinery he was operating. The task of picking up cases meant staff got closer to dangerous parts of the machine – where the conveyor and roller came together. The risk was increased by the fact that the danger area could be obscured by the item being lifted.

Following the incident a tunnel guard was fitted along with pop-up rollers, and a full assessment of risks of the line was carried out, which identified other potential nip points where additional guarding was required.

The company was fined a total of £6000 after pleading guilty to an offence of breaching Regulations 11(1) and 11(2) of the Provision and Use of Work Equipment Regulations 1998.

Following the case, HSE Inspector Penny Falconer said:

“This was an entirely avoidable incident. The dangers of nip points, or the gaps between a moving belt and a stationary part of a machine, are well-known in the industry.

“Baxter Food Group Limited should have carried out a full assessment of the risks to workers of the new production line. That would have identified what needed to be done and the company could have taken the right action by introducing guards and other safety measures where necessary.”

COMPANY FINED AFTER WORKER ENTANGLED IN MACHINERY

A shellfish processing company has been fined for safety failings that led to a worker's hand and arm being entangled in machinery

Aberystwyth Magistrates' Court heard how, in November 2013, an employee of Quay Fresh and Frozen Foods Limited was helping to clean a section of the processing machinery while it was still switched on the Polish worker's overall was caught on the mechanism.

The company, based in Newquay, was prosecuted by the Health and Safety Executive and pleaded guilty to Section 2(1) of the Health and Safety at Work etc. Act 1974 and fined a total of £12,000 and ordered to pay full costs of £2,961.

The company failed to properly assess the risks, failed to put in place a safe system of work and failed to provide a safe access to the machine.

HM Inspector Steve Richardson said “companies must ensure they risk assess the use of their machinery and must ensure that operation, cleaning and maintenance can be carried out safely and without serious risks to the workforce. They must also ensure that the method of work is clearly communicated to the workforce, by whatever means necessary”.

TRANSPORT COMPANY IN COURT OVER DRIVER'S DEATH

A Norfolk-based road transport company has been sentenced for safety failings after a driver suffered life-changing injuries and later died following an incident in Hertfordshire.

The worker, from Milton Keynes, fell from a unsecured ladder during an operation to unload items from a lorry at the Hertfordshire Golf and Country Club on 23 November 2012.

The incident was investigated by the Health and Safety Executive (HSE), which prosecuted the transport company after finding the company had failed to properly safeguard workers from falls.

The business was fined a total of £150,000 at St Albans Crown Court and ordered to pay costs of £88,030.69 after being found guilty to breaching Regulations 4(1)(a) and 4(1)(c) of the Work at Height Regulations 2005 and Regulation 8(e) of the same regulation.

FOOD MANUFACTURING COMPANY AND DIRECTOR SENTENCED

A multi million pound turnover food manufacturer and one of its directors have been fined after a worker was crushed by a forklift truck at its Warwickshire factory.

Leamington Crown Court heard that an agency worker was lucky to be alive after the incident at the company's premises on 29 July 2012.

He was thrown from the forks of a forklift truck and crushed between the forklift and the back of an articulated lorry as he was being lifted into the back of the lorry to reorganise pallets of sandwiches. The worker broke a number of vertebrae, fractured his pelvis and suffered blood blisters all over his body.

The Judge found that the director had failed to ensure safety management systems were in place at the factory. The court heard that had such systems been in place, the unsafe practice would not have occurred and existed for a prolonged period of time.

The business pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. It was fined a total of £60,000 and ordered to pay costs of £57,790.

The Director pleaded guilty to two breaches of Section 37(1) of the same Act. He was given a conditional discharge and ordered to pay costs of £50,513.

WORKER CRUSHED UNDER FORKLIFT TRUCK, COMPANY FINED £140,000

A Leicestershire aluminium fabricator has been sentenced after a worker was crushed under a lifting truck which tipped over while lifting extruder dies from storage racks.

The worker, from Nottinghamshire, died following the incident at Boal UK Ltd in Shepshed, near Loughborough, on 23 June 2013.

Leicester Crown Court heard that the worker was trapped underneath an overturned hi bay order picker truck he was using to collect or return aluminium extruder dies, types of metal mould, to the racked storage system.

An investigation by the Health and Safety Executive (HSE) concluded that the incident was entirely preventable and stemmed from three material breaches of health and safety law. These were inadequate risk assessment for collecting and replacing dies in storage racks, an inadequate safe system of work for the use of a Narrow Aisle High Level Reach Truck and the company's organisation of lifting operations in the die storage area.

The Loughborough company was fined £140,000 and ordered to pay £32,251.31 in costs after pleading guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974.

In his sentencing remarks, the Judge stated that Boal UK Ltd fell far short of the applicable standards and in particular, there was a prolonged and very substantial failure on the part of the company in relation to its monitoring, supervision and enforcement of safe working procedures in the die shop.

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